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July 27, 2022

VIA ECF

Hon. Kiyo A. Matsumoto
United States District Court
Eastern District of New York
225 Cadman Plaza East, Rm. S905
Brooklyn, NY 11201
(718) 613-2180

Re: *City of New York, et al. v. Henriquez, et al.*, 22 Civ. 3190-KAM-PK (EDNY)
Request for Extension of Time to Respond to Amended Complaint

Dear Judge Matsumoto,

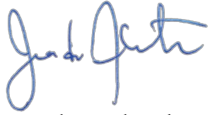
This law firm represents defendants Juan Henriquez and Medical Special Operations Community, Inc. (together, “Defendants”) in the above-referenced action. I write pursuant to the Court’s Individual Rule II(E), and with the consent of plaintiffs’ counsel, Gerald Singleton, to request an extension of time until August 23, 2022 for Defendants to respond to plaintiffs City of New York, *et al.*’s (“Plaintiffs”) Amended Complaint (ECF 8).

Plaintiffs filed their Amended Complaint via ECF on July 8, 2022. There is at present a disagreement between counsel as to whether the Amended Complaint has, as of this writing, been properly served on Defendants, and, as a result, the parties also disagree as to the current deadline for Defendants’ response. In short, pursuant to FRCP 15(a)(3), the response deadline is either August 1, 2022 (according to Plaintiffs); or else there is no response deadline for the Amended Complaint at present (according to Defendants), and, potentially, the original Complaint remains the operative pleading. See *Int’l Controls Corp. v. Vesco*, 556 F.2d 665, 668-69 (2d Cir. 1977) (holding that an “original complaint is not superseded until the amended complaint is served . . . , at least where . . . the amended complaint is required to be served under rule 5(a).”).

Regardless, I informed Mr. Singleton on July 26 that I am willing to accept service of the Amended Complaint by email, provided that Plaintiffs agree to a four-week extension of time, *i.e.*, until August 23, 2022, for Defendants’ response. Although Mr. Singleton does not concede that any further “service” is required, he has nevertheless consented to the August 23 response deadline.

Consequently, Defendants respectfully request an extension of time until August 23, 2022 to answer or otherwise respond to Plaintiffs' Amended Complaint. The purpose of this extension is to permit Defendants a full opportunity to consider the new facts and causes of action raised in Plaintiffs' amended pleading. This is the first request for any such extension.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jordan Fletcher". The signature is stylized with a large initial "J" and a cursive "Fletcher".

Jordan Fletcher